

Mr. Ribick



Comptroller General
of the United States

329284

Washington, D.C. 20548

Decision

Matter of: Hines/Mortenson, Joint Venture

File: B-256543.3

Date: April 26, 1994

DECISION

Hines/Mortenson, Joint Venture protests the actions of the General Services Administration (GSA) under request for proposals (RFP) No. GS-05P-93-GBC-0004, issued for the design and construction of a new federal building and court-house in Minneapolis, Minnesota. The protester argues that the agency improperly failed to obtain approval, in accordance with Federal Acquisition Regulation § 15.612(b)(3), for its source selection plan prior to issuing the RFP.¹

The protest does not state a basis for challenging the agency's actions and, accordingly, is dismissed.

The jurisdiction of our Office is established by the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988). Our role in resolving bid protests is to ensure that the statutory requirements for full and open competition are met. Brown Assocs. Mgmt. Servs., Inc.--Recon., B-235906.3, Mar. 16, 1990, 90-1 CPD ¶ 299.

To achieve this end, our Bid Protest Regulations require that a protest include a detailed statement of the legal and factual grounds of protest, 4 C.F.R. § 21.1(c)(4) (1993), and that the grounds stated be legally sufficient. 4 C.F.R. § 21.1(e). These requirements contemplate that protesters will provide, at a minimum, either allegations or evidence sufficient, if uncontradicted, to establish the likelihood that the protester will prevail in its claim of improper agency action. Robert Wall Edge--Recon., 68 Comp. Gen. 352 (1989), 89-1 CPD ¶ 335.

Hines/Mortenson's allegation--that GSA failed to complete its source selection plan prior to issuing the RFP--even if true, amounts to no more than a procedural deficiency. Such

¹Hines/Mortenson has previously raised other bases for protest in connection with this procurement. These matters will be addressed in a separate decision.

059842/151551

procedural deficiencies do not establish a valid basis for protest since they have no effect on the validity of a procurement. See, e.g., Federal Sales Service, Inc., B-237978, Feb. 28, 1990, 90-1 CPD ¶ 249.

The protest is dismissed.

A handwritten signature in black ink, appearing to read 'David A. Ashen', with a long horizontal line extending to the right.

David A. Ashen
Acting Assistant General Counsel